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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,178	04/03/2001	Naoki Oguchi	FUJY 18.546	1676

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT PAPER NUMBER

2155

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,178

Applicant(s)

OGUCHI, NAOKI

Examiner

Benjamin R. Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Status of Claims:

Claims 1-3 are pending in this Office Action.

Claims 1-3 remain rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,825,772 by Dobbins et al.

Claims 1-3 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-7 of copending Application No. 09/814,235. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

Response to Arguments

Applicant's arguments filed in the amendment filed 4/21/05, have been fully considered but they are not persuasive. The reasons are set forth below.

Applicant's invention as claimed:

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-7 of copending Application No. 09/814,235. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

Instant Application 09/825,178	Copending Application 09/814,235	Remarks
1	1	Both relay systems between two or more networks. Domain definition module/table for defining domain configured by networks. Inter-domain definition module. Routing storage module. Relay control unit judges communications.
1	3	Judging communication data
3	5	Routing storage module for processing the communication data

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,825,772 by Dobbins et al.

Regarding claim 1, a communication data relay system (Dobbins: col. 8, lines 53-56; vlan switch) for relaying between two or more domains each configured by one or more networks (Dobbins: col. 8, lines 38-45; Figure 1; col. 6, lines 35-46), a relay source domain having routing

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information to a relay destination domain (Dobbins: col. 8, lines 59-63; destination address), comprising:

- two or more interface modules for accessing said networks (Dobbins: col. 20, lines 28-41; Figure 18; input and output; parts of switch's module);

- a domain definition module for defining the domain configured by said one or more networks (Dobbins: col. 9, lines 52- col. 10, line 26; discovery of nodes and populating local directory);

- an inter-domain communication definition module for defining a specification whether communication between the domains is permitted or not (Dobbins: col. 17, lines 3-47);

- a routing information storage module for storing pieces of routing information each indicating a relay destination of communication data in a way that separates the routing information for every domain (Dobbins: col. 13, lines 47- col. 14, line 47; col. 20, lines 28-41; database); and

- a relay control unit for controlling relay of the communication data (Dobbins: col. 20, lines 21-41; switch cpu or mib),

wherein said relay control unit controls the relay of the communication data with reference to said routing information storage module corresponding to the domain concerned in the case of a relay within said same domain (Dobbins: col. 2, lines 39- col. 3, lines 6), and judges whether communication between the domains is permitted or not for the relay in accordance with definitions in said inter-domain communication definition module in the case of a relay between the domains different from each other (Dobbins: col. 20, lines 42-61) and relay the domains different from each other if communication is judged to be permitted (Dobbins: col. 17, lines 47-48; connection established).

Regarding claim 2, a communication data relay system according to claim 1, further comprising a destination address search module for the relay destination domain (Dobbins: col. 3, lines 2-6; col. 8, lines 53-63),

wherein if the relay source domain does not have routing information to the relay destination domain, said destination address search module searches a destination address to the relay destination domain in response to a request from a source communication device within the relay source domain (Dobbins: col. 3, lines 2-15), and notifies said source communication device of a relay address within the relay source domain that corresponds to the destination address (Dobbins: col. 3, lines 15-24), and

said relay control unit relays the communication data addressed to the relay address to the destination address in the relay destination domain (Dobbins: col. 12, lines 65- col. 13, line 3).

Regarding claim 3, a communication data relay system according to claim 1, further comprising a routing control information storage module to the domain to which a communication data processing device for processing the communication data is connected (Dobbins: col. 20, lines 28-42; database for look-up engine; col. 11, lines 14-19),

wherein said relay control unit, when controlling the relay of the communication data, causes said communication data processing device to process the communication data, and relays the thus processed communication data (Dobbins: col. 12, lines 65- col. 13, line 3).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent No. 5,493,607 issued to Arumainayagam et al teaches connecting different domains with translation tables resolving destinations as a 102 reference.

REMARKS

Claim 1 is amended and argued.

The Applicant Argues:

The Dobbins reference does not teach "an inter-domain communication definition module for defining communicability between domains" and "routing information storage information module for storing pieces of routing information each indication a relay destination of communication data in a way that separates the routing information for every domain."

In response, the examiner respectfully submits:

The Dobbins reference does teach inter-domain communication definition module for defining communicability between domains. The Dobbins reference teaches the switches are all linked sharing topography information for routing of data like packets. Switch receives a request for resolving a packet and begins to check its own database. If it can't find it, it sends out requests to other switches to find the domain whom the destination mac address belongs to. Once this address is resolved, a connection is resolved and the data is sent forward (Dobbins: col. 17, lines 3-48; Fig. 7A). It does not permit sending the packet to a domain in which the destination is not present. Applicant is encouraged how the packet is judged or permitted. Is the packet not permitted based on a particular attribute?

Applicant argues the presence of an inter-domain communication definition table (page 8 of 11; 2nd para) but the claim limitation reads module, which is equated to be substantially similar. Applicant points to his specification. Although the claims are read in light of the specification, the specification is not read into the claims.

The limitation does not read as separating and holding information on a per-domain basis. The limitation claims “a routing information storage module for storing pieces of routing information each indicating a relay destination of communication data in a way that separates the routing information for every domain.” The Dobbins reference reads openly on the claim because it is broad by not defining ‘routing information.’ The Dobbins reference teaches a distributed database and local caches for storing routing information. The routing information is transmitted by link state packets that map out different domains/vlans and then the data is stored in the local database and shared with other switches (Dobbins: col. 13, lines 48- col. 14, line 46). Perhaps if applicant defined what pieces of routing information were that would distinguish the instant application.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155

brb *Brb*

Bharat Barot
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PRIMARY EXAMINER